

MINUTES

**MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION
COMMITTEE ON STATE ADMINISTRATION**

Call to Order: By **CHAIRMAN MACK COLE**, on January 29, 1999 at 10 A.M., in Room 331 Capitol.

ROLL CALL

Members Present:

Sen. Mack Cole, Chairman (R)
Sen. Don Hargrove, Vice Chairman (R)
Sen. Jon Tester (D)
Sen. Jack Wells (R)
Sen. Bill Wilson (D)

Members Excused: None.

Members Absent: None.

Staff Present: Keri Burkhardt, Committee Secretary

Staff Excused: David Niss, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Information: SB 228
Policy Decisions Established

Information on SB 228

{Tape : 1; Side : A; Approx. Time : 10:09}

Joe Kerwin, Deputy of Elections and Legislative Services, Secretary of State introduced a calendar to aide the committee in choosing election dates **EXHIBIT(sts23a01)**. He explained various deadlines that must be considered. State and federal laws require 45 days for absentee ballots. County and city elections, not held in conjunction with state elections, require 20 days for absentee ballots while, school elections require 11 days. His calendar dates were based on the assumption that all absentee

ballots are based on a 45 day deadline. The absentee deadline is April 22nd for a June Primary.

Lengthy discussion was held clarifying date and deadline issues. According to the data provided, tax elections would be held on the proposed dates of the primaries and all deadlines would be the same for tax elections. Currently, ballot issues are voted on in November and this election includes the tax elections.

Angela Fultz, Chief Deputy, Secretary of State, explained the Department of Revenue would not be able to meet the current June primary date, for a tax election, with the central assessments. Discussion continued about possible dates of the primary and how they would effect various entities. The proposed April date would not work for schools as they must have an exact dollar figure and mill levy. The mill levy would not be available to the schools until the Department of Revenue was able to complete their central assessments on July 1st. They discussed the possibility of using the previous year's assessment or pushing the date of the primary into September or October. In order to allow for adequate time to have ballots printed and meet the 45 day deadline for the absentee ballot, the schools would need an additional 2 months after they receive their property assessments in July. Discussion turned as to whether the law could be interpreted to allow each government entity to have one tax election per year. In this case, there would be more than one tax election per year but only one per entity, which would be held on either the general or primary election date. This would allow 2 tax elections per year. The consensus of the committee was that the people expected one tax election per year, under CI-75, and that meant one tax election date, per year, at which time all tax elections would be held. They decided to disregard the presidential primary date in March for the purposes of this bill. The committee began talking about an end of May primary and a November general election. Another problem that may arise with a May election is the delay of teachers' contracts. They talked about the election date being moved back. In this case, the filing date is automatically moved back as well. **Mr. Kerwin**, said that the filing date currently opens 135 days before the primary and closes 75 days after. If an April election date was set, the Department of Revenue would be able to get most valuations, except for the central assessments, to the school districts by the end of March, which would not allow adequate time for the 45 day absentee ballot requirements. They discussed whether to make the 45 day rule apply to the elections that currently fall under the 20 day or 11 day requirements, in order lessen confusion of the voters.

{Tape : 1; Side : B; Approx. Time : 10:49}

The committee turned discussion to policy issues to be decided on, for the outside group to use as guideline. First, they discussed whether to have an election by mail ballot for a tax election on the same day that voters may also be voting at the polls for a different election. They talked about loosening the restrictions for absentee voting. They discussed the process behind mail ballots and some of the costs. Currently, the counties decide whether to provide postage or not. Also, state elections prohibit the use of mail ballots. The committee has to decide whether to leave the option open to the counties as to how each county will hold their elections with mail ballots. The committee felt that the mail ballots should be requested and not sent to everyone. A vote was taken on various policy decisions.

{Tape : 1; Side : B; Approx. Time : 11:05}

Motion/Vote: SEN. HARGROVE moved that tax issues are to be offered by mail ballot and other elections are to be voted on at the polling place. **Motion carried 4-1 with SEN. TESTER voting no.**

Motion/Vote: SEN. HARGROVE moved to have a voter information pamphlet for tax measures and a separate one for ballot issues. **Motion carried 5-0.**

Motion/Vote: SEN. WELLS moved to have all tax elections held on a single election date, once, during the year. **Motion carried 5-0.**

The committee talked about having mail ballots for tax elections optional for the counties. The candidate elections would be at the polls. They further discussed expanding statutes governing absentee ballots to allow people access to absentee ballots at their request. **Angela Fultz**, said that the funding would be provided by each jurisdiction sharing in its portion of the cost. She explained that the state is the only entity that has a voter information packet, therefore would pay the full cost for the packet. The discussion focused on the parts of the voter information packet that would be deleted. SB 228 eliminates the pro argument, the con argument, and the rebuttal, which deletes about 3 pages. The full text of the measure, the for and against statement (not the full page argument), and the Attorney General's statement would remain in the pamphlet.

Motion/Vote: SEN. HARGROVE moved the that the committee give the guidance to minimize the length of the pro and con as much as possible while still providing some pro and con in the voter information pamphlet. **Motion carried 5-0.**

{Tape : 2; Side : A; Approx. Time : 11:25}

Joe Kerwin, said that outside group will minimize costs and make efficiencies wherever possible. A tax election will be held every year.

Motion/Vote: **SEN. TESTER** moved that the tax election and state primary election date be held on the 1st Tuesday in May.

Angela Fultz, explained that they must make this date effective as of the year 2000, because it would be impossible to hold a tax election in May 1999.

Motion carried 5-0.

ADJOURNMENT

Adjournment: 11:33 A.M.

SEN. MACK COLE, Chairman

KERI BURKHARDT, Secretary

MC/KB

EXHIBIT (sts23aad)